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#51

## TRANSMITTAL LETTER AND AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

RE: Attorney Docket No.: CAT/34-SCRO-US  
Application Serial No.: 08/873,974  
Filed: 06/12/97  
Title: SYSTEM AND METHOD FOR DISTRIBUTING  
INFORMATION THROUGH COOPERATIVE  
COMMUNICATION NETWORK SITES  
Inventor: MICHAEL C. SCROGGIE, et al.  
Group Art Unit: 2163  
Examiner: BOYCE A. ROBINSON  
Appeal Docket No: 2004-1267

RECEIVED  
2004 AUG 10 AM 11: 57  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

SIR:

Attached hereto for filing are the following papers:

**37 CFR 1.197(B) REQUEST FOR REHEARING (RECONSIDERATION) FOR POINTS  
MISAPPREHENDED OR OVERLOOKED IN THE APPEAL DECISION MAILED  
JULY 29, 2004 (IN TRIPLICATE)  
ATTACHMENT 1 (11 PAGES)  
ATTACHMENT 2 (5 PAGES)**

Our check in the amount of \$0.00 is attached covering the required fees.

The Commissioner is hereby authorized to charge any fees which may be required, or  
credit any overpayment, to Deposit Account Number 50-2106

31518

PATENT TRADEMARK OFFICE

8/10/04  
Date

[Signature]  
Richard A. Neifeld, Ph.D.  
Registration No. 35,299  
Attorney of Record

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CAT/34-SCRO-US



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: SCROGGIE ET AL.

SERIAL NO.: 08/873,974

CONF. NO: 2461

GROUP ART UNIT: 2163

CPA FILED: AUGUST 17, 1999

EXAMINER: ROBINSON, BOYCE A.

FOR: SYSTEM AND METHOD FOR

DISTRIBUTING INFORMATION

THROUGH COOPERATIVE

COMMUNICATION NETWORK SITES

**APPEAL DOCKET NUMBER: 2004-1267**

ASSISTANT COMMISSION FOR PATENTS

WASHINGTON, D.C. 20231

**37 CFR 1.197(b) REQUEST FOR REHEARING (RECONSIDERATION)**

**FOR POINTS MISAPPREHENDED OR OVERLOOKED**

**IN THE APPEAL DECISION MAILED JULY 29, 2004**

SIR:

In response to the Decision mailed July 29, 2004, please re-hear your decision in view of the following comments:

## **I. Misapprehension of Rejections Appealed**

The panel *misapprehended* that the appellant is entitled to a decision on the rejections appealed from, not just a decision on rejections reiterated in the Answer.

Decision page 13 lines 8-12 states that "the examiner has made no such [112] rejection in the answer [and therefore] ... we consider only the prior art rejections." Interpolation supplied.

In reply, the appellant points out that this appeal was from rejections of claims, including the 112 rejections of claims, in the office action mailed 9/23/2002. The appeal closed prosecution, and the appellant is entitled to a decision on the claims that stood rejected regardless of the lack of reference to those rejections in the examiner's Answer.

Given the fact that this application claims an invention subject to the business methods "second look" policy, and give that the decision suggested the examiner reopen prosecution, the lack of a board decision reversing the 112 rejections leaves them open to re-imposition by the examiner, contrary to the intended res judicata effect of a decision on appeal. The undersigned respectfully requests that the applicant has a right to a decision on all rejections appealed. The undersigned respectfully requests the decision be modified to expressly reverse the 112 rejections so that issue and claim preclusive effect of that reversal precludes re-imposition of 112 rejections in subsequent prosecution.

For substantially the same reasons, the panel should also modify its decision to expressly reverse the 102 rejection based upon Sloane of claim 54.

## **II. Misapprehension of the Board's Jurisdiction**

If the panel decides *not to* modify its decision expressly reversing the rejections from which the appellant appealed and which the examiner did not identify in the Answer, it should issue a decision explain why it is authorized to ignore rejections from which the applicant appeals. Doesn't the statutory right to appeal carry with it a right to a *decision* on the rejections appealed?

This is a question of Board jurisdiction, and the Board has a duty to define its jurisdiction. Cf. Ex parte Lemoine, 46 USPQ2d 1420, \_\_\_ (PTOBPAI 1994)(precedential decision of an expanded panel including APJ Schafer, APJ Meister, SAPJ McKelvey, and CAPJ Stoner).

III. **Overlooking of Briefs Filed and Reasoning Presented Therein, and Misapprehending of the Claim Limitation "in response to a consumer request ..."**

The panel *overlooked* the brief filed July 10, 2001 and the reasoning therein.

The panel misapprehended the meaning of the recitation "in response to a consumer request ..." and the reasoning in support thereof in the brief filed July 10, 2001.

Decision page 4 lines 17-18 states "Appellant's response to this rejection [sic; the rejection of claim 50 et seq. over Sloane] appears in the Supplemental Appeal Brief, filed April 11, 2001."

In reply, the Appellant points out that the foregoing statement is incorrect. It is incorrect first of all because the Brief filed April 11, 2001 *was not* in response to the office action mailed 9/23/2002, and this appeal was from the office action mailed 9/23/2002.

In fact, the third 37 CFR 1.193(b)(2)(ii) Supplemental Appeal brief filed 12/23/2002 (herein after "third Brief") was in response to the 9/23/2002 office action. The third Brief incorporates by reference the original Brief and the first and second 37 CFR 1.193(b)(2)(ii) supplemental briefs. Third Brief page 1. The third Brief, via its incorporation by reference of the second 37 CFR 1.193(b)(2)(ii) supplemental appeal brief (herein after "second Brief"), contains argument against the 102 rejections based upon Sloane that the Decision does not address. The second Brief was filed July 10, 2001 under 37 CFR 1.193(b)(2)(ii) in response to the office action reopening prosecution which was mailed 6/19/2001. Thus, the second Brief is part of the third Brief, and the decision's statement that "Appellant's response to this rejection [sic; the rejection of claim 50 et seq. over Sloane] appears in the Supplemental Appeal Brief, filed April 11, 2001" expressly indicates that the panel did not consider the *second* Brief. Thus, the panel *overlooked* appellant's arguments.

The second Brief incorporates by reference the first 37 CFR 1.193(b)(2)(ii) supplemental appeal brief filed April 11, 2001, but it also expressly addresses the examiner's reasoning respecting 102 rejections based upon Sloane, and it points out why Sloane does not disclose the claim limitation defined by the communications "in response to a consumer request ..." recited by claim 50. In sum, column 7 line 65 to column 8 line 12 in Sloane, does not disclose claim 50's

communication, "in response to a consumer request made over said communication network from ... the retailer site", by the cooperative network site to the consumer. All Sloane discloses is a response from the retailer computer to the handheld device; no response by the third entity, the element 16 "sender of promotion information" - Sloane Fig. 3 in response to the request from the handheld device to the retail store computer. Thus, the panel both overlooked

The decision page 4 lines 19 to page 5 line 12 addresses the 102 rejections over Sloane, but it does not address the reasoning in the Second Brief, noted above, and it does not address the examiner's argument in response to the reasoning in the Second Brief at Answer page 11 line 12 to page 12 line 8. In fact, the opinion respecting Sloane focuses on whether the hand held terminal is a consumer computer, *ignoring* the "in response ...." limitation. You should note from the examiner's reasoning in the Answer that the examiner's construction of claim 50's "in response..." limitation is the same as the appellant's construction, although I think you will agree with appellant that the examiner's reasoning as to the teachings of Sloane is not persuasive. In fact, a previous decision from a panel of the Board in the parent application 09/505,632 agrees with the appellant's interpretation and refutes the examiner's interpretation. See decision on appeal mailed October 27, 2003 in appeal No. 2002-0329 page 5 lines 7-23. A copy of decision on appeal mailed October 27, 2003 in appeal No. 2002-0329 is attachment 1.<sup>1</sup>

Since the USPTO may have lost the second Brief, a copy of the second Brief filed July 10, 2001 under 37 CFR 1.193(b)(2)(ii) in response to the office action reopening prosecution mailed 6/19/2001 and a date stamped filing receipt proving it was filed are attachment 2.<sup>2</sup>

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<sup>1</sup>A copy of decision on appeal mailed October 27, 2003 in appeal No. 2002-0329 is attachment 1.

<sup>2</sup>A copy of the second Brief was filed July 10, 2001 under 37 CFR 1.193(b)(2)(ii) in response to the office action reopening prosecution mailed 6/19/2001 and a date stamped filing receipt proving it was filed are attachment 2.

**IV. *Overlooking of Briefs Filed and Reasoning Presented Therein Respecting the Teachings of Narasimhan***

The panel *overlooked* the brief filed July 10, 2001 and the reasoning therein, which also included reasoning why Narasimhan is not relevant.

Decision page 8 lines 14 - 16 states that "we have nothing responsive to the examiner's specific rejection under 35 USC 103 until the Reply Brief ...."

In reply, that is not correct. The third Brief, via its incorporation by reference of the second Brief, includes on page 2 lines 14-20 of the second Brief a response to the examiner's assertion that claims are legally obvious in view of Narasimhan in combination with Sloane, by addressing the examiner's incorrect assertions regarding the teachings and impact of Narasimhan.

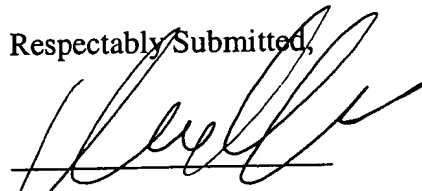
Moreover, the decision also ignores the additional reasoning in the second Brief on pages 2 and 3 thereof.

In summary, I respectfully submit that the decision is flawed because it failed to review appellant's appeal brief and reasoning contained therein, and because it did not act on rejections of record.

8/6/05

Date

Respectably Submitted,



Richard A. Neifeld, Ph.D.

Registration No. 35,299

Attorney of Record

**Printed: August 6, 2004 (10:56am)**

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11/3/03  
CS

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

Paper No. 24



UNITED STATES PATENT AND TRADEMARK OFFICE

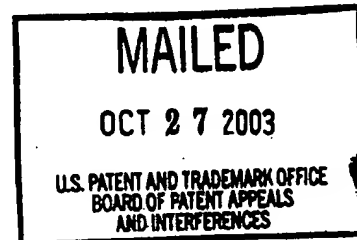
REVIEW DATE: 11/27/03

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte MICHAEL C. SCROGGIE, DAVID A. ROCHON,  
DAVID W. BANKER and WILL GARDENSWARTZ

Appeal No. 2002-0329  
Application No. 09/505,632

ON BRIEF



Before KRASS, JERRY SMITH and RUGGIERO, Administrative Patent Judges.

KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 24-31, 34, 36-43, 46, 48 and 49.

The invention maintains a database of manufacturer offers and retailer special deals at a cooperative network site where consumers can access at least a subset of the data in the database from any manufacturer or retailer network site.

APDEC-CAT34SCROCCP-031103 CS

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Accordingly, it makes little difference which site, whether manufacturer or retailer, that the consumer is logged in to when initiating the request since the data is received directly from the cooperative site. The result is that manufacturer offers and retailer special deals are exposed to many more consumers.

Representative independent claim 24 is reproduced as follows:

24. A computer network implemented method, comprising the steps of:

transmitting from a consumer computer over the Internet to a Web site of a manufacturer a request for manufacturer incentives to purchase one of a product and a service offered by said manufacturer;

in response to said request for manufacturer incentives, transmitting region data from said Web site of said manufacturer over the Internet to a remote Web site;

in response to receipt of region data at said manufacturer's Web site, transmitting from said remote Web site to said Web site of said manufacturer at least one manufacturer incentive and at least one name and address of a retailer; and

transmitting from said Web site of said manufacturer over the Internet to said consumer computer said at least one manufacturer incentive and said at least one name and address.

The examiner relies on the following references:

Smolen	5,915,243	Jun. 22, 1999 (filed Aug. 29, 1996)
Sloane	5,918,211	Jun. 29, 1999 (filed May 30, 1996)



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Application No. 09/505,632

Hoffman et al. (Hoffman)      6,012,039      Jan. 4, 2000  
(effectively filed Aug. 29, 1996)

Claims 28, 34, 40 and 46 stand rejected under 35 U.S.C.  
§ 102(e) as anticipated by Sloane.

Claims 24-27, 29-31, 36-39, 41-43, 48 and 49 stand rejected under 35 U.S.C. § 103. As evidence of obviousness, the examiner cites Sloane and Hoffman with regard to claims 24, 25, 27, 29, 36, 37, 39, 41, 48 and 49, adding Smolen to this combination with regard to claims 26, 30, 31, 38, 42 and 43.

Reference is made to the briefs and answer for the respective positions of appellants and the examiner.

#### OPINION

Turning, initially, to the rejection under 35 U.S.C. § 102(e), an anticipatory reference is one which describes all of the elements of the claimed invention so as to have placed a person of ordinary skill in the art in possession thereof. In re Spada, 911 F.2d 205, 15 USPQ2d 1655 (Fed. Cir. 1990).

It is the examiner's position that Sloane discloses, at column 7, lines 5-10, the transmission from a consumer computer of a request for manufacturer incentives; at column 7, lines 13-

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22, the transmission of region data from the website of a manufacturer in response to the request for manufacturer incentives; at column 7, lines 22-26, transmission from a remote website to the manufacturer website at least one manufacturer incentive and at least one name and address of a retailer in response to receipt of region data at the manufacturer's website; and, at column 7, lines 36-40, updating a manufacturer's incentive database.

The examiner also cites column 8, lines 3-7, of Sloane as part of the rationale for the rejection.

The examiner contends that it is inherent to include graphical image data corresponding to manufacturer incentives because Sloane does disclose that his communication line can be an online computer network or the Internet (column 7, lines 18-22) -See answer-page 4.

It is appellants' view that although Sloane does disclose processing incentives between a retailer, or product manufacturer, and a retailer computer/controller 12 over a communication network 200, Sloane does not disclose or suggest distributing product incentives to consumers over the internet (principal brief-page 7). Furthermore, argue appellants, "the communication sequence defined by the present invention is

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clearly a request-response transaction involving three distinct entities, namely, a consumer computer, a manufacturer website, and a remote website, using a request-response communication protocol" (reply brief-page 2).

We agree with appellants that the subject matter of independent claims 28 and 40 is not anticipated by Sloane. These claims clearly call for a transaction involving multiple separate entities, i.e., transmission from a consumer to a retailer website, transmission from the retailer website to a remote website, and transmission from the remote website to the retailer website, of a list of manufacturer incentives. Finally, the retailer website transmits to the consumer a list of these incentives.

In Sloane, there is no middle-man communication. Incentives are communicated to the consumer by either the retailer or another sender of information, e.g., the manufacturer. There is no transmission from a retailer website to a remote website in response to an inquiry from a consumer to the retailer website. The examiner identifies Figure 3b of Sloane, indicating that the sender of promotion information, 16, is indicative of a "remote website."

The sender of promotion information 16 in Sloane is, indeed, sent from a remote site, e.g., the manufacturer. However, this information is communicated as an alternative to the retailer supplying incentive information. Moreover, this remote site 16 in Sloane, does not provide information "in response to receipt of said request at said Web site of said retailer," as required by the claims.

Accordingly, we will not sustain the rejection of claims 28 and 40 under 35 U.S.C. § 102(e).

With regard to claims 34 and 46, these claims are a bit broader in scope. They do not recite the separate communications of claims 28 and 40. In fact, claims 34 and 46 merely require a transmission from a manufacturer to a remote Web site regarding manufacturer incentive data, and then updating the manufacturer's incentives database, including graphical image data corresponding to the manufacturer's incentives.

Sloane clearly teaches, in Figure 3b, communicating manufacturer incentive data from the manufacturer to a remote Web site. The sender of promotional information, 16, may be a manufacturer (column 7, lines 11-13) and the information is sent to the consumer, at the retail computer 12, the retail computer 12 being remote from the manufacturer.

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Application No. 09/505,632

Clearly, the information in Sloane is sent over the internet (column 7, line 22). When the manufacturer transmits this information to computer/controller 12, the information is clearly an "update" of the manufacturer's incentives database. The examiner calls this feature "inherent" and we would agree.

The only limitation of claims 34 and 46 not explicitly, or implicitly, disclosed by Sloane is "graphical image data corresponding to said manufacturers incentives." The examiner calls this a "traditional practice to present data using a graphical user interface which presents graphical image data" (answer-page 4), and holding such a disclosure in Sloane to be inherent.

Appellants' position is that Sloane does not disclose updating a manufacturers incentives database storing data defining manufacturers incentives including graphical image data corresponding to the manufacturers incentives with the manufacturer incentive data (principal brief-page 10). While it may be "traditional" to present data using a graphical user interface which presents graphical image data over the internet, "this in-and-of-itself does not teach nor suggest storing data defining manufacturers incentives including graphical image data

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corresponding to the manufacturers incentives, as in the claimed invention" (principal brief-page 10).

Since appellants do not deny that it is "traditional" to present data using a graphical user interface which presents graphical image data over the internet and Sloane clearly discloses storage of data defining manufacturers incentives by updating such information in a remote site via the internet, we will sustain the examiner's rejection under 35 U.S.C. § 102(e) since the consumer using the retailer computer/controller will be using a graphical user interface (GUI) to interface with the incentives information stored therein.

While we have sustained the rejection of claims 34 and 46 under 35 U.S.C. § 102(e), because appellants have not convinced us of error in the examiner's reasoning, it is our view that the rejection would have been stronger had it been made under 35 U.S.C. § 103 since, while not explicitly shown by Sloane, it would have been obvious for the consumer to interact with the retailer computer/controller via a GUI regarding the available manufacturers incentives. In any event, it would have been obvious to store the incentives "including graphical image data" since, as admitted by appellants, it is "traditional" to present data using a GUI.

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Application No. 09/505,632

With regard to the rejections under 35 U.S.C. § 103, we will not sustain these rejections because each of the independent claims 24, 36, 48 and 49 includes limitations similar to those in claims 28 and 40, i.e., transactions involving multiple separate entities, wherein there is transmission from a consumer to a retailer website, transmission from the retailer website to a remote website, and transmission from the remote website to the retailer website, of a list of manufacturer incentives. Finally, the retailer website transmits to the consumer a list of these incentives. As explained supra, Sloane is devoid of any such teaching. Moreover, neither Hoffman nor Smolen provides for this deficiency of Sloane. Accordingly, the examiner has not made out a prima facie case of obviousness with regard to the subject matter of claims 24-27, 29-31, 36-39, 41-43, 48 and 49 and we will not sustain the rejection of these claims under 35 U.S.C. § 103.

#### CONCLUSION

We have sustained the rejection of claims 34 and 46 under 35 U.S.C. § 102(e) but we have not sustained the rejection of claims 28 and 40 under 35 U.S.C. § 102(e) or the rejection of claims 24-27, 29-31, 36-39, 41-43, 48 and 49 under 35 U.S.C. § 103.

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Application No. 09/505,632

Accordingly, the examiner's decision is affirmed-in-part.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED-IN-PART

ERROL A. KRASS  
Administrative Patent Judge

*Gerry Smith*  
JERRY SMITH  
Administrative Patent Judge

BOARD OF PATENT  
APPEALS AND  
INTERFERENCES

*Joseph F. Ruggiero*  
JOSEPH F. RUGGIERO  
Administrative Patent Judge

EK/RWK



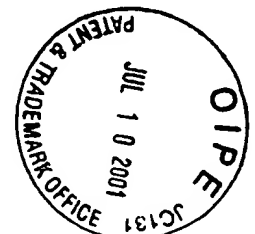
Appeal No. 2002-0329  
Application No. 09/505,632

NEIFIELD IP LAW, P.C.  
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Dept.: E/MOSMM&N File No. 7791-0052-25By: RAN/jms/r/bSerial No. 08/873,974In the matter of the Application of: MICHAEL C. SCROGGIE ET ALFor: SYSTEM AND METHOD FOR DISTRIBUTING INFORMATION  
THROUGH COOPERATIVE COMMUNICATION NETWORK SITES

The following has been received in the U.S. Patent Office on the date stamped hereon:

- ☐ pp. Specification & Claims/Drawings Sheets
- ☐ Combined Declaration, Petition & Power of Attorney pages
- ☐ List of Inventor Names and Addresses
- ☐ CPA under 37 CFR 1.53(d)
- ☐ Notice of Priority ☐ Priority Doc
- ☐ Check for ☐ Dep. Acct. Order Form
- ☐ Fee Transmittal Form
- ☐ Assignment/PTO 1595 pages:
- ☐ Letter to Official Draftsman
- ☐ Letter Requesting Approval of Drawing Changes
- ☐ Drawings sheets ☐ Formal
- ☒ Cover Letter
- ☒ 37 CFR 1.193(b)(2)(ii) Request for Reinstatement of Appeal
- ☒ Second 37 CFR 1.191/37 CFR 1.193(b)(2)(ii) Supplemental Brief (In Triplicate)
- ☐ 37 CFR §1.132 Declaration of Michael C. Scroggie
- ☐ IDS/Related/List of Related Cases
- ☐ Restriction Response ☐ Election Response
- ☐ Rule 132 Declaration
- ☐ Petition for Extension of Time
- ☐ Notice of Appeal
- ☐ Brief
- ☐ Issue Fee Transmittal
- ☐ White Advance Serial Number Card
- ☐
- ☐



Due Date: N/A

7791-0052-25



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:

SCROGGIE ETAL.

SERIAL NO. 08/873,974

CPA FILED: AUGUST 17, 1999

FOR: SYSTEM AND METHOD FOR  
DISTRIBUTING INFORMATION  
THROUGH COOPERATIVE  
COMMUNICATION NETWORK SITES

:

: GROUP ART UNIT: 2163

:

: EXAMINER: ROBINSON, BOYCE A.

:

SECOND 37 CFR 1.191/37 CFR 1.193(b)(2)(ii) SUPPLEMENTAL BRIEF

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

**I. Incorporation By Reference of the Appeal Brief Filed April 11, 2001**

The applicant hereby incorporates by reference in it's entirety the first supplemental appeal brief filed April 11, 2001 in response to the examiner's first reopening of prosecution via the office action mailed March 09, 2001.

The only difference between the rejections in the office action mailed June 09, 2001 and the office action mailed March 09, 2001 are that the examiner has replaced reliance in the 35 USC 103(a) rejection of claims 52-59, 62-69, 72-79 and 82-89 from Sloane in view of Alsop, to Sloane in view of Narasimhan et al. (US patent No. 6,237,145 B1).

**II. Supplement to Section VIII of the Appeal Brief Filed April 11, 2001**

For substantially the same reasons presented in the first appeal brief, which are

incorporated herein by reference the Sloane and Narasimhan et al. combination does not suggest any claim.

The following reasoning relates to appeal brief section VIII (Argument) pages 10-17 regarding each one of claim groups 2-7 and supplements that section.

With respect to Sloane, the examiner relied upon Figure 3B in Sloane. However, Figure 3B in Sloane merely shows that a manufacturer can transmit promotional information to retailer. It does not show a cooperative network site in addition to a manufacturer computer system and a retailer computer system. Moreover, the corresponding disclosure in Sloane at column 7 lines 4-26 clearly indicates that all that Sloane discloses is that the manufacturer may download data to the retailer computer system (column 7 lines 22-26) unrelated to any other event, which teaching teaches away from the applicant's claimed concept of an interactive system which operates "in response to a consumer request made over said communication network from one of said manufacturer network site and retailer network site" (claim 50). Emphasis added.

With respect to Narasimhan et al., the examiner relies upon column 6 lines 50-59. That passage teaches away from applicants claimed invention because that passage teaches having the user input the user's request into the retailers computer system, instead of via the user's computer system, in order to receive an incentive. The examiner also relies upon column 4 lines 41-45, which disclose using user profile information. That passage, however, does not disclose a cooperative network site, and it does not disclose transmitting a consumer personal page, as asserted by the examiner at office action page 4 lines 7-9.

The examiner alleges (page 4 lines 14-17) that it would have been obvious to transmit a "geographically limited list of retailers honoring incentives in response to a query because[,] by querying, all of the unwanted data can be filtered out of the search resulting in a quick, efficient

way of obtaining desired incentive information.”

In reply, the applicant points out (1) the examiner does not rely upon any evidence and (2) there is no evidence supporting the examiner’s rationale that transmitting a geographically limited list of retailers honoring incentives in response to a query is a more efficient way of obtaining desired information. Hence, the examiner has provided no evidence supporting motivation.

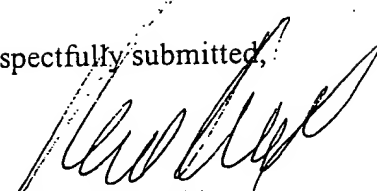
The examiner asserts that it would have been obvious to incorporate the teachings of Narasimhan et al. into Sloane because “all of these additional steps are necessary for ensuring that significant details of manufacturer selection data are sent to the correct location” (page 4 last four lines).

In reply, the applicant points out that the examiner’s conclusion is vague (“all of these additional steps”) and unsupported (“are necessary for ensuring”) by any evidence. The examiner presents no evidence suggesting “ensuring” or showing necessity. Therefore, there is no substantial evidence supporting the examiner’s rationale for the obviousness rejections.

The examiner still relies upon and the applicant still traverses, the official notice that it is allegedly old and well known in the art to have a geographical list sorted by postal code, in so far as that official notice is construed with respect to the pending claims. Hence, no evidence supports motivation with respect to the postal code limitations.

7/9/01  
Date

Respectfully submitted,

  
Richard A. Neifeld  
Registration No. 35,299



**22850**

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